

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT MOMCHILOV,

Plaintiff,

-against-

MEMORANDUM and ORDER

04-CV-3159 (KAM)

MOHAMMAD S. CHADUHRY, GEAR TRANS CORP.,
LORI WOLVEK and ROBERT WOLVEK,

Defendants.

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MATSUMOTO, United States Magistrate Judge:

Upon the consent of all parties, pursuant to 28 U.S.C. § 636(c) and Rule 73 of the Federal Rules of Civil Procedure, the undersigned is to conduct all further proceeding in this action, and order the entry of a final judgment. (Doc. No. 35, Consent to Jurisdiction by a United States Magistrate Judge, filed on Sept. 28, 2005.)

By Memorandum and Order dated August 22, 2006 (the "August 22 Order"), familiarity with which is assumed, the Court dismissed plaintiff's Complaint without prejudice to reopen within 30 days from the date of that order, or by September 21, 2006. Therein, the Court advised plaintiff that "this case will be dismissed with prejudice in 30 days from the date of this order, or on September 21, 2006, if the Court does not hear from the plaintiff, in writing, that he seeks to reopen this case." Momchilov v. Chaduhry, No. 04-CV-3159, 2006 WL 2443669, at *3

(E.D.N.Y. Aug. 22, 2006) (emphasis in original). The Court also directed the Clerk of the Court to send a copy of the August 22 Order to plaintiff via overnight mail. See id.

A review of the docket indicates that copies of the August 22 order, the Court's August 15, 2006 order denying defendants' motion to dismiss for failure to prosecute and for preclusion, and the docket sheet were sent by Federal Express to plaintiff on August 22, 2006. To date, the Court has not received any communication, written or otherwise, from plaintiff or anyone else on plaintiff's behalf. Accordingly, plaintiff's Complaint is dismissed with prejudice. The Clerk of the Court is directed to close this case and enter judgment in favor of defendants.

SO ORDERED.

Dated: September 25, 2006
Brooklyn, NY

/s/
KIYO A. MATSUMOTO
United States Magistrate Judge
Eastern District of New York